

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERIKA LEE,

Plaintiff,

- against -

DELTA AIR LINES, INC.,

Defendant.  
-----X

22-CV-8618 (DEH) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves the discovery disputes raised by the parties at Dkts. 134-35, in which each asserts the other has not complied with discovery obligations and seek orders to compel. Defendant Delta’s letter at Dkt. 135 correctly recites the discovery conference held on January 15, 2025, and the order this Court entered that same day directing Plaintiff to comply with several discovery obligations by January 29, 2025. It is clear from the correspondence that Plaintiff has not fully complied.

Equally apparent is that Plaintiff’s letter motion for leave to file a motion to compel at Dkt. 134 is frivolous and vexatious inasmuch as at the January 14, 2025 conference, Delta represented that it had already provided the privilege log and verified interrogatory responses at issue – a statement with which Plaintiff affirmatively agreed. Delta also has previously represented it has produced all responsive, non-privilege documents; Plaintiff’s statement in her letter motion that she “has yet to receive any discovery” is false. Moreover, her application does not identify any documents that Delta has failed to produce.

Accordingly, Delta's letter motion is granted; Plaintiff's letter motion is denied; and, it is hereby ORDERED that:

1. Plaintiff shall provide to Delta a verified amended response to Delta's interrogatories that either (a) confirms that the only medical provider from whom Plaintiff sought treatment, either physical or psychological, in connection with her claims in the instant action from January 13, 2017, to the present is "Dr. Mark Michaels" or "Dr. Mark Michael"; or (b) identifies all such medical providers in addition to Dr. Mark Michael(s). The verified amended response shall also identify the contact information (office address and phone number) for Dr. Mark Michael(s) and any additional providers identified.

2. Plaintiff shall produce (a) all documents and communications relating to any applications for employment she has submitted to any prospective employer from May 1, 2021, to the present, and (b) all records of income she has received from any other source since May 1, 2021.

3. Plaintiff shall provide to Delta in a verified amended interrogatory response the names of all individuals Plaintiff believes possess information relevant to her claims in this action, regardless if she believes the names are already known to Delta.

4. Plaintiff shall provide a more detailed specification and computation of damages, breaking out the total amount sought into components for (a) back wages; (b) front wages; (c) any other economic harm; (d) physical injuries; (e) psychological injuries; and (f) any other damages claimed.

5. Plaintiff shall provide the information and responses set forth above in items 1 through 4 no later than February 12, 2025.

6. Plaintiff shall not file any further frivolous applications for relief that were previously resolved by or at earlier proceedings in this action. Such filings are vexatious for both the other party and the Court and unnecessarily consume judicial resources.

7. Failure to comply with the foregoing will result in sanctions, which may include adverse inferences, dismissal of her case, or any other sanctions that are warranted under the circumstances.

The Clerk of Court is respectfully directed to terminate the letter motions at Dkts. 134 and 135.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: February 4, 2025  
New York, New York

The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff:

Erika Lee  
20 Confucius Plaza, Apt. 10K  
New York, NY 10002